

1 UNITED STATES DISTRICT COURT FOR THE  
2 WESTERN DISTRICT OF PENNSYLVANIA

3 John Gantz,

4 *Petitioner,*

5 v.

6 Warden Sutter, et al.

7 *Respondents.*

8 C.A. No. 14-231 Erie

9 ORDER ADOPTING THE REPORT  
10 AND RECOMMENDATION OF  
11 MAGISTRATE JUDGE BAXTER

12 The Magistrate Judge issued a Report and Recommendation in this matter, recommending  
13 that this Court dismiss the petition for a writ of habeas corpus on the grounds that Petitioner's  
14 claims are untimely. (Doc. No. 21). After reviewing the Report and Recommendation, the record,  
15 and all other materials before the Court and finding no objection, it is hereby ordered that:

- 16 (1) The Report and Recommendation is ADOPTED;
- 17 (2) Respondent's motion to dismiss is GRANTED;
- 18 (3) The petition shall be DENIED on the grounds that it is untimely;
- 19 (4) The certificate of appealability shall be DENIED;
- 20 (5) The Clerk of the Court shall send copies of this Order to Petitioner.

21 **IT IS SO ORDERED.**

22 DATED this 21st day of August, 2015.

23 

24 BARBARA J. ROTHSTEIN  
25 UNITED STATES DISTRICT JUDGE